

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	07-00195-01-CR-W-GAF
VAN LOI LE,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 4, 2008. Defendant appeared in person and with retained counsel James LaSalle; Assistant Public Defendant Steve Moss also appeared on behalf of Defendant. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

I. BACKGROUND

On May 31, 2007, an indictment was returned charging Defendant with one count of conspiracy to distribute ecstasy, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846. The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent James Cheatham, ICE.

Mr. LaSalle announced that he will be the trial counsel for Defendant.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call twenty-one witnesses without stipulations or eight witnesses with stipulations during the trial.

Mr. LaSalle announced that Defendant intends to call six witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately twenty-five exhibits in evidence during the trial.

Mr. LaSalle announced that Defendant will offer approximately fifteen exhibits in evidence during the trial.

VI. DEFENSES

Mr. LaSalle announced that Defendant will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. LaSalle stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports, and business records.

IX. TRIAL TIME

Counsel were in agreement that this case will take two and a half to three days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 8, 2007, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by June 4, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 11, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, June 11, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. The government raised the question of whether it was a conflict of interest for Mr. LaSalle to represent Defendant, as Mr. LaSalle previously represented one of the defense witnesses on a drug charge (ecstasy) in Clay County, Missouri. Neither Mr. LaSalle, Mr. Moss, nor Defendant believed it to be a conflict. A record was made and the government does not wish to pursue this issue further.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 23, 2008.

A Vietnamese-speaking interpreter is required. The interpreter will not provide a word-for-word translation, but will be available to summarize and explain legal concepts.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
June 4, 2008

cc: The Honorable Gary A. Fenner
Mr. Bruce Rhoades
Mr. James LaSalle
Mr. Steve Moss
Mr. Jeff Burkholder